

Members

Rep. Thomas Kromkowski, Chairperson
Rep. James Bottorff
Rep. Robert Behning
Rep. Kathy Richardson
Sen. Sue Landske
Sen. Billie Breaux
Sen. Becky Skillman
Sen. Allie Craycraft



CENSUS DATA ADVISORY COMMITTEE

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 232-9588 Fax: (317) 232-2554

LSA Staff:

Robert Rudolph, Attorney for the Committee
Beverly Holloway, Fiscal Analyst for the Committee

Authority: IC 2-5-19

MEETING MINUTES¹

Meeting Date: October 19, 2000
Meeting Time: 10:30 A.M.
Meeting Place: State House, 200 W. Washington St., 156B
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Rep. Thomas Kromkowski, Chairperson; Rep. Robert Behning; Rep. Kathy Richardson; Sen. Becky Skillman; Sen. Allie Craycraft.

Members Absent: Rep. James Bottorff; Sen. Sue Landske; Sen. Billie Breaux.

The Chair, Representative Kromkowski, called the meeting to order at approximately 10:48 a.m.

The Chair announced that the Committee would consider PD 3447 concerning various election law matters and consider and act upon the Committee's final report for the 2000 Interim.

Review of PD 3477: Various Election Law Matters²

The Chair reviewed the provisions of PD 3447 as outlined in the synopsis of the draft. The Committee discussed SECTION 2 of the draft, which provides that a voter who does not meet the voting age requirement on the date of the primary election but who does meet

1. Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

2. A copy of PD 3447 is Exhibit 1 to these Minutes.

the requirement on the date of the general election is not eligible to vote for precinct committeeman or state convention delegate. Representative Kromkowski stated that he had received suggestions that because neither precinct committeemen nor state convention delegates take an oath of office and because these positions are related to the organization and affairs of the political parties this issue might be better left to state party rules. A motion was made and seconded to delete SECTION 2 from the draft. The motion was adopted by consent.

The Committee discussed SECTION 3 of the draft which would require an individual to provide the last four digits of the individual's Social Security Number when registering to vote. The Committee was reminded that a bill pending in Congress might prohibit this practice. Staff told the Committee that information received from the National Conference of State Legislatures indicated that this bill might not survive because of the press of business in Congress before adjournment but that a bill with the same provisions could be introduced in the next Congress.

In response to a question as to whether the National Voter Registration Act or some other federal law already restricted the use of an individual's Social Security Number for voter identification purposes, both staff and Kristi Robertson, Co-General Counsel of the Indiana Election Division, indicated that they were uncertain. The Committee instructed staff to find out the answer and to inform Committee members.

Staff informed the Committee that SECTION 11 of PD 3447 concerning candidate challenges of candidates nominated to fill early candidate vacancies³ differed from the previous draft. Staff reported to the Committee that PD 3447 would now require a candidate challenge to a candidate nominated to fill an early candidate vacancy to be filed not later than 45 days before the date of the general or municipal election. The Indiana Election Division or the county election board would then be required to decide the challenge not later than 30 days before the election.

Kristi Robertson told the Committee that staff had misinterpreted the discussions on this issue. The Election Division would recommend that a challenge to a candidate nominated to fill an early candidate vacancy should be required to be filed not later than 74 days before the date of the election and that the challenge should be decided not later than 60 days before the election. Ms. Robertson pointed out that the provision would then mirror the challenge provisions for petitions of nomination.⁴ In addition, permitting challenges to be undecided before these dates could complicate preparation of ballots for the general or municipal election.

Staff agreed that the Election Division's recommendation had been misinterpreted. Staff pointed out, and Ms. Robertson agreed, that the proposed amendment did not address all the problems relating to challenges to candidates nominated to fill early candidate vacancies. Staff told the Committee that under the statute an early candidate vacancy can occur up to 30 days before the election. The proposed candidate challenge deadlines made it possible that some candidate vacancies could be filled (or even created) after the deadline for challenging candidates nominated to fill such vacancies had passed. Staff and Ms. Robertson agreed that there was no apparent solution to this problem at this time

3. Under Indiana law, an "early candidate vacancy is a vacancy that occurs for any reason not later than 30 days before a general, municipal, or special election and that leaves a major party without a candidate for an office. See IC 3-13-1. A vacancy than occurs within 30 days of an election is a "late candidate vacancy". See IC 3-13-2.

4. See SECTION 6 of PD 3447.

but would continue to work to develop a solution for consideration by the General Assembly during the 2001 Session.

A motion was made, seconded, and adopted by consent to amend PD 3447 as follows:

Page 6, line 7, delete "forty-five (45)" and insert "**seventy-four (74)**".

Page 6, line 14, delete "thirty (30)" and insert "**sixty (60)**".

A motion was made and seconded to recommend PD 3447, as amended, to the General Assembly for enactment. All Committee members present voted in favor of the motion by a voice vote.

Committee Final Report⁵

Staff reviewed the Committee's draft final report. Staff noted two grammatical changes in the draft. The sentence beginning at the bottom of page 2 and ending at the top of page 3 should read: "Testimony indicated that requiring the last four digits of a voter's Social Security Number makes elimination of duplicate registrations much easier." The second correction was on page 5, the third possible recommendation under "(A) Statewide Voter Registration File" should read: "The Committee recommends that the Indiana Election Division work with local voter registration officials to develop proposals for creation of an Internet based statewide voter registration file and to report the results of this work to the Committee during the 2001 Interim."

After discussing the possible recommendations, the Committee adopted each of the following recommendations by a show of hands, each of the Committee members present voting in favor of the recommendations:

(A) Statewide Voter Registration File:

"The Committee recommends that the Indiana Election Division work with local voter registration officials to develop proposals for creation of an Internet based statewide voter registration file and to report the results of this work to the Committee during the 2001 Interim."

(B) Small Town Conventions:

"The Committee recommends that small towns be given an option of nominating candidates for town offices through either the current town convention process or a primary election."

"The Committee recommends that Indiana law be changed to prohibit an individual from participating in more than one (1) town convention during an election year."

(C) Moving Municipal Elections to Even-Numbered Years:

"The Committee makes no recommendation on this question."

5. A copy of the Committee's draft Final Report is Exhibit 2 to these Minutes.

(D) Various Election Law Matters:

"The Committee recommends that the General Assembly enact PD 3447 with the following changes:

(1) Remove SECTION 2 of the draft that provides that a voter who does not meet the voting age requirement on the date of the primary election but who does meet the voting age requirement on the date of the general election is not eligible to vote for precinct committeeman or state convention delegate.

(2) Amend SECTION 12 of the draft so that the deadline for filing candidate challenges to candidates nominated to fill an early candidate vacancy must be filed not later than 74 days before the date on which the general or municipal election will be held and so that the Indiana Election Commission or the county election board must decide the challenge not later than 60 days before the date of the general or municipal election."

(E) Permitting Absentee Ballots to Be Cast at a County Election Board Office Using an Electronic Recording Voting System:

"The Committee makes no recommendation on this issue."

A motion was made and seconded that the Committee adopt as the Committee's Final Report for the 2000 Interim the draft Final Report as modified by the Committee. A roll call was taken on the question with the following result: In favor of the motion: Representative Kromkowski, Chair; Representative Behning; Representative Richardson; Senator Skillman; Senator Craycraft. Opposed to the motion: None.

The Chair adjourned the meeting at approximately 11:15 a.m.